THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 434 of 2007

Oral order:

By this writ petition, the petitioner seeks to declare the action of the respondents in not allotting work to fly as Cabin Crew as usual and on the flights that are piloted by the members of the Indian Commercial Pilot's Association of Southern Region, as illegal, arbitrary, and unconstitutional and against the principles of natural justice, and consequently direct the respondents to allot the work as usual as Cabin Crew equally on par with the other Cabin Crew as was done earlier.

The petitioner claims to be working as Cabin Crew for more than 27 years with the Indian Airlines on their flights. The petitioner states that at the instance of one Capt. Katrak, against whom she lodged a police report, which led to registration of a crime in FIR No. 277 of 2006, dated 04.08.2006, respondent No.5-Indian Commercial Pilots Association, passed a resolution directing its members not to undertake any flights on which the petitioner is one of the Cabin Crew members. The said resolution was communicated to respondent Nos. 2 and 4 and others vide letter dated 11.10.2006. Basing on this letter of respondent No.5, it is the case of the petitioner that respondent Nos. 1 to 4, namely officers of the Indian Airlines, are not allotting her work on the flights on which the members of respondent No.5 are piloting, and as a result of this, she contends that she is losing 30 hours per month. Hence, she filed this writ petition praying for the reliefs stated in the introductory paragraph.

Pursuant to the orders dated 13.12.2007, respondent No.4

appeared before the Court in person along with the relevant record.

Heard the learned counsel for the petitioner, the learned Standing Counsel for respondent Nos. 1 to 4-Indian Airlines and the learned Standing Counsel for respondent No.5-Pilots Association.

Respondent Nos. 2 and 3 in the counters filed by them have taken a stand that there are no guidelines as such regulating the allotment of flying hours of Cabin Crew and that they perform duties as assigned by Indian Airlines inasmuch as they are its permanent employees. Though there are no guidelines framed for regulating the allotment of flying hours to Cabin Crew, respondent No. 4, who appeared before the Court in person along with the record, produced a copy of the Flight Duty Time and Flight Time Limitations for Cabin Attendants, issued by the Director General of Civil Aviation, in exercise of the power conferred under Rule 133A of the Aircraft Rules, 1937 for information, guidance, and compliance by all concerned, to enhance safety of operations, and in the matter of allotment of work to Cabin Crew, they are following the said guidelines.

Para 4.1.1. of Flight Duty Time and Flight Time Limitations for Cabin Attendants, which is relevant for our purpose reads as follows:

> The maximum number of hours any domestic air carrier can schedule its cabin attendant members to do flight shall be as follows:
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> i) 30 hrs in any period of 7 consecutive days
> ii) 125 hrs in any period of 30 consecutive days
> iii) 1000 hrs in any period of 365 consecutive days.

Respondent No. 4 further submitted that in the matter of allotment of work to the petitioner, they without reference to resolution passed by respondent No. 5, would strictly follow

Para 4.1.1. of Flight Duty Time and Flight Time Limitations for Cabin Attendants, and allot work as per the roster maintained by them.

In view of the above stand taken by respondent No. 4, which is

placed on record, all the counsel agreed for disposal of the writ petition with the following directions:

Without reference to the resolution passed by respondent No.5, respondent Nos. 1 to 4, in the matter of allotment of work to the petitioner, shall strictly adhere to Para 4.1.1. of Flight Duty Time and Flight Time Limitations for Cabin Attendants, and allot work as per the roster maintained by them.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 24th December, 2007.
KSR